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| SERIAL NUMBER | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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08/133,982 10/08/93 YURT

P 2473.000102

EXAMINER

LE, A

26M1/0113

FINNEGAN, HENDERSON, FARABOW,
GARRETT AND DUNNER
1300 I STREET, N.W.
WASHINGTON, DC 20005-3315

ART UNIT

PAPER NUMBER

3

2614

DATE MAILED:

01/13/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-20 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-20 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Serial Number: 08/133,982

-2-

Art Unit: 2614

1. Claims 2, 6 and 7 and 19 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Regarding to claim 2, on page 45, the recitation "the composite formatted data block" and claim 6, on page 46, the recitation "composite formatted data blocks" lack antecedent basis since it is unclear which previously claimed subject matter is being referred to in each case.

b. Regarding to claim 19, on page 49, the recitation "the step of processing" lacks antecedent basis because the claim fails to clearly point out which of the step cited in the base claim (18) is being referred to as "the step of processing".

2. Claims 1, 3-5, 7-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-5, 7-17 and 19-21 of U.S. Patent No. 5,132,992. Although the conflicting claims are not identical, they are not patentably distinct from each other because they are but different definitions of the same subject matters, varying in breath, as set forth in M.P.E.P 806.03.

a. Regarding to claims 1, the combination of the library means and identification encoding means of the transmission system of the instant invention is met by the same combination in the

Serial Number: 08/133,982

-3-

Art Unit: 2614

system of the base claim (1) of the conflicting patent because the combination in both system performs the same functions on the information which either has already been "contained in" or is being "input to" items stored in the library means. As to "the formatted and sequenced data" limitation, since it is meant to refer to the previously cited "sequence of addressable data blocks", it is met by "the formatted and sequenced data blocks" limitation in claim 1 of the conflicting patent.

b. Regarding to claims 3-5, the "analog data" and the "digital data" limitations of the instant invention are met by the "analog signals" and "digital signals" limitations in claims 3-5 of the conflicting patent since it is well-known in the art that "analog data"/"digital data" can be represented by "analog signals"/"digital signals" in communications system.

c. Regarding to claim 13, the "repeating patterns" limitation of the instant invention is met by the "patterns" limitation of the conflicting patent since a repeating pattern is actually one special form of a pattern.

3. The obviousness-type double patenting rejection is a judicially established doctrine based upon public policy and is primarily intended to prevent prolongation of the patent term by prohibiting claims in a second patent not patentably distinct from claims in a first patent. *In re Vogel*, 164 USPQ 619 (CCPA 1970). A timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. § 1.78(d).

Serial Number: 08/133,982

-4-

Art Unit: 2614

4. Claims 2 and 6 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lang, Tompkins et al. and Burnsweig et al. are cited as pertinent references which relate to transmitting and receiving systems for audio and video information including the process of data compressing.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda Le whose telephone number is (703) 308-6731.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Amanda Le

Amanda Le

January 04, 1994.

Stephen Chin

STEPHEN CHIN
PRIMARY EXAMINER
GROUP 260

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

PTO Draftpersons review all originally filed drawings regardless of whether they are designated as formal or informal. Additionally, patent Examiners will review the drawings for compliance with the regulations. Direct telephone inquiries concerning this review to the Drawing Review Branch, 703-305-8404.

The drawings filed (insert date) 10/8/93 are
 A. ☒ not objected to by the Draftsperson under 37 CFR 1.84 or 1.152.
 B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 as indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawings must be submitted according to the instructions on the back of this Notice.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:
 Black ink. Color.

- ☐ Not black solid lines. Fig(s) _____
☐ Color drawings are not acceptable until petition is granted.

2. PHOTOGRAPHS. 37 CFR 1.84(b)

☐ Photographs are not acceptable until petition is granted.

3. GRAPHIC FORMS. 37 CFR 1.84 (d)

- ☐ Chemical or mathematical formula not labeled as separate figure. Fig(s) _____
☐ Group of waveforms not presented as a single figure, using common vertical axis with time extending along horizontal axis. Fig(s) _____
☐ Individuals waveform not identified with a separate letter designation adjacent to the vertical axis. Fig(s) _____

4. TYPE OF PAPER. 37 CFR 1.84(c)

- ☒ Paper not flexible, strong, white, smooth, nonshiny, and durable. Sheet(s) 1-12
☐ Erasures, alterations, overwritings, interlineations, cracks, creases, and folds not allowed. Sheet(s) _____

5. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable paper sizes:

- 21.6 cm. by 35.6 cm. (8 1/2 by 14 inches)
 21.6 cm. by 33.1 cm. (8 1/2 by 13 inches)
 21.6 cm. by 27.9 cm. (8 1/2 by 11 inches)
 21.0 cm. by 29.7 cm. (DIN size A4)

- ☐ All drawing sheets not the same size. Sheet(s) _____
☐ Drawing sheet not an acceptable size. Sheet(s) _____

6. MARGINS. 37 CFR 1.84(g): Acceptable margins:

| Paper size | | | |
|---|---|---------------------------------------|---------------------------------|
| 21.6 cm. X 35.6 cm. (8 1/2 X 14 inches) | 21.6 cm. X 33.1 cm. (8 1/2 X 13 inches) | 21 cm. X 27.9 cm. (8 1/2 X 11 inches) | 21 cm. X 29.7 cm. (DIN Size A4) |
| T 5.1 cm. (2") | 2.5 cm. (1") | 2.5 cm. (1") | 2.5 cm. |
| L .64 cm. (1/4") | .64 cm. (1/4") | .64 cm. (1/4") | 2.5 cm. |
| R .64 cm. (1/4") | .64 cm. (1/4") | .64 cm. (1/4") | 1.5 cm. |
| B .64 cm. (1/4") | .64 cm. (1/4") | .64 cm. (1/4") | 1.0 cm. |

Margins do not conform to chart above.

Sheet(s) 1, 5, 7, 10, 12
☐ Top (T) ☐ Left (L) ☐ Right (R) ☐ Bottom (B)

7. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

- ☐ All views not grouped together. Fig(s) _____
☐ Views connected by projection lines. Fig(s) _____
☐ Views contain center lines. Fig(s) _____

Partial views. 37 CFR 1.84(h)(2)

- ☐ Separate sheets not linked edge to edge. Fig(s) _____
☐ View and enlarged view not labeled separately. Fig(s) _____
☐ Long view relationship between different parts not clear and unambiguous. 37 CFR 1.84(h)(2)(ii) Fig(s) _____

Sectional views. 37 CFR 1.84(h)(3)

- ☐ Hatching not indicated for sectional portions of an object. Fig(s) _____
☐ Hatching of regularly spaced oblique parallel lines not spaced sufficiently. Fig(s) _____
☐ Hatching not at substantial angle to surrounding axes or principal lines. Fig(s) _____
☐ Cross section not drawn same as view with parts in cross section with regularly spaced parallel oblique strokes. Fig(s) _____
☐ Hatching of juxtaposed different elements not angled in a different way. Fig(s) _____

Alternate position. 37 CFR 1.84(h)(4)

- ☐ A separate view required for a moved position. Fig(s) _____

Modified forms. 37 CFR 1.84(h)(5)

- ☐ Modified forms of construction must be shown in separate views. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

- ☐ View placed upon another view or within outline of another. Fig(s) _____
☐ Words do not appear in a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. SCALE. 37 CFR 1.84(k)

- ☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) _____
☐ Indication such as "actual size" or "scale 1/2" not permitted. Fig(s) _____
☐ Elements of same view not in proportion to each other. Fig(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

- ☒ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (except for color drawings). Fig(s) 17

11. SHADING. 37 CFR 1.84(m)

- ☐ Shading used for other than shape of spherical, cylindrical, and conical elements of an object, or for flat parts. Fig(s) _____
☐ Solid black shading areas not permitted. Fig(s) _____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

- ☒ Numbers and reference characters not plain and legible. 37 CFR 1.84(p)(1): Fig(s) 17
☐ Numbers and reference characters used in conjunction with brackets, inverted commas, or enclosed within outlines. 37 CFR 1.84(p)(1) Fig(s) _____
☐ Numbers and reference characters not oriented in same direction as the view. 37 CFR 1.84(p)(1) Fig(s) _____
☐ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) _____
☐ Numbers, letters, and reference characters do not measure at least .32 cm. (1/8 inch) in height. 37 CFR(p)(3) Fig(s) _____

13. LEAD LINES. 37 CFR 1.84(q)

- ☐ Lead lines cross each other. Fig(s) _____
☐ Lead lines missing. Fig(s) _____
☐ Lead lines not as short as possible. Fig(s) _____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(r)

- ☐ Number appears in top margin. Fig(s) _____
☐ Number not larger than reference characters. Fig(s) _____
☐ Sheets not numbered consecutively, and in Arabic numerals, beginning with number 1. Sheet(s) _____

15. NUMBER OF VIEWS. 37 CFR 1.84(u)

- ☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____
☐ View numbers not preceded by the abbreviation Fig. Fig(s) _____
☐ Single view contains a view number and the abbreviation Fig. Fig(s) _____
☐ Numbers not larger than reference characters. Fig(s) _____

16. CORRECTIONS. 37 CFR 1.84(w)

- ☐ Corrections not durable and permanent. Fig(s) _____

17. DESIGN DRAWING. 37 CFR 1.152

- ☐ Surface shading shown not appropriate. Fig(s) _____
☐ Solid black shading not used for color contrast. Fig(s) _____

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|---|---|--|---|-----------------------------|---|------------------------|---|--|----------|------------------|---------------|-------------------------------|----------------------------|--------------|
| FORM PTO-892 (REV. 2-92) | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | SERIAL NO. 08/133,982 | | GROUP/ART UNIT 2614 | | ATTACHMENT TO PAPER NUMBER 3 | | | | | | |
| NOTICE OF REFERENCES CITED <i>MP</i> | | | | APPLICANT(S) YURT ET AL. | | | | | | | | | | |
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| U.S. PATENT DOCUMENTS | | | | | | | | | | | | | | |
| * | | DOCUMENT NO. | | | | | | DATE | NAME | CLASS | SUB- CLASS | FILING DATE IF APPROPRIATE | | |
| | A | 5 | 1 | 6 | 4 | 8 | 3 | 9 | 11.17.92 | Lang | 358 | 335 | 10.11.91 | |
| | B | 5 | 0 | 5 | 7 | 9 | 3 | 2 | 10.15.91 | Lang | 358 | 133 | 05.05.89 | |
| | C | 5 | 0 | 1 | 4 | 2 | 6 | 7 | 05.07.91 | Tompkins et al. | 370 | 62 | 04.06.89 | |
| | D | 4 | 8 | 4 | 7 | 8 | 2 | 7 | 07.11.89 | Tompkins et al. | 370 | 62 | | |
| | E | 4 | 2 | 0 | 6 | 3 | 1 | 6 | 06.03.80 | Burnsweig et al. | 375 | 43 | | |
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| OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | | | | | | | | |
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| EXAMINER <i>C. Amanda Le</i> DATE <i>01/04/94</i> | | | | | | | | | | | | | | |
| * A copy of this reference is not being furnished with this office action. (See Manual of Patent Examining Procedure, section 707.05 (a).) | | | | | | | | | | | | | | |